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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/686,072	10/11/2000	David R. Welland	75622.P0016	5508
30163	7590	11/13/2003	EXAMINER	
JOHNSON & ASSOCIATES PO BOX 90698 AUSTIN, TX 78709-0698			LE, DINH THANH	
			ART UNIT	PAPER NUMBER
			2816	

DATE MAILED: 11/13/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application N .</b>	<b>Applicant(s)</b>	
	09/686,072	WELLAND ET AL.	
	Examiner DINH T. LE	Art Unit 2816	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

1) Responsive to communication(s) filed on 05 August 2003.

2a) This action is FINAL.                  2b) This action is non-final.

3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

4) Claim(s) 1,3,4,52-54 and 66-85 is/are pending in the application.

4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.

5) Claim(s) \_\_\_\_\_ is/are allowed.

6) Claim(s) 1,3,4,52-54 and 66-85 is/are rejected.

7) Claim(s) \_\_\_\_\_ is/are objected to.

8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

9) The specification is objected to by the Examiner.

10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

11) The proposed drawing correction filed on \_\_\_\_\_ is: a) approved b) disapproved by the Examiner.  
 If approved, corrected drawings are required in reply to this Office action.

12) The oath or declaration is objected to by the Examiner.

#### Priority under 35 U.S.C. §§ 119 and 120

13) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a) All b) Some \* c) None of:  
 1. Certified copies of the priority documents have been received.  
 2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

14) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).  
 a) The translation of the foreign language provisional application has been received.

15) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

#### Attachment(s)

1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)	4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s). _____ .
2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)	5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)
3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ .	6) <input type="checkbox"/> Other: _____ .

***NON-FINAL REJECTION***

***Response to Applicant's Amendment***

The rejections over Olgaard (US 6,236,278), Akino et al (US 6,225,876), Frech et al (US 6,043,724) and Nakamura (JP407066368) are withdrawn in view of the selection filed on 8/5/03.

***Claim Rejections***

***Claim Rejections - 35 USC § 112***

Claims 52, 70-72 and 85 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Correction or clarification is required.

In claim 52, it is unclear how the recitation “VCO and PLL circuitry” on lines 1 and 3 is misdescriptive because it is inconsistent with what is shown in the drawings. For example, Figure 4 of the present invention shows that the VCO is a component of the PLL.

In claims 70-72, it is not understood what the “clock rate” is, how the divider can be clocked at the rate and how this limitation is read on the preferred embodiment or seen on the drawings. The same is true for claims 81-82 and 85.

In claim 85, it is not understood what the “need” on line 3 and “components” on line 4 are and how the need can be identified, the components can be “minimized”.

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1, 3-4 and 52-54 and 66-85 are rejected under 35 USC 103 (a) as being unpatentable Bradley (US 6,087,865) in view of Dufour (US 6,111,470).

Bradley discloses in Figure 5 a PLL circuit (203) comprising a first divider (221) for receiving an input signal (198) having a frequency FIN and coupled to an input of a phase detector (213) of the PLL circuit through a second divider (220). Since the input frequency (FIN) was converted by the first and second dividers, the interference noise inherently would be reduced. However, Bradley does not disclose that the PLL circuit is implemented on an integrated circuit as recited, i.e., in claim 1 and the one of the dividers divides the input frequency by thirteen and other divider divides by five as recited in claim 3. Dufour teaches in Figure 1 a PLL circuit implemented on an integrated circuit for reducing size. It would have been obvious to a person having skill in the art at the time the invention was made to implement the PLL circuit of Bradley on an integrated circuit taught by Dufour for the purpose of reducing size.

Note that the dividends (Q, R, M) of the dividers in the Bradley reference can be selectable, see column 7, lines 24-27, the divider comprising a counter clocked by a clock frequency or powering the components of the PLL with different power supply source for reducing noise are well known in the art. Thus, selecting the dividends of thirteen or five for the dividers of

Bradley, selecting a clock frequency for providing a predetermined dividend or powering the components of the PLL circuit with different power supply sources would have been obvious and is considered to be a matter of design expedient for an engineer depending upon a particular application. *In re Boesch*, 617 F.2d 272, 205 USPQ 215 (CCPA 1980).

### ***Response to Applicant's Arguments***

The applicant argues that the recitation "techniques for reducing noise" as claim 52 is not indefinite because they are disclosed in the present invention. The argument is not persuasive because, although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Examiner Dinh Le whose telephone number is (703) 305-3790. The examiner can normally be reached on Monday to Friday from 7:00 A.M.to 5:00 P.M..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Tim Callahan, can be reached on (703) 308-4876. The fax phone number for this Group is (703) 308-7725.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 308-0956.

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DINH LE  
Primary Examiner



October 28, 2003